

RENDE, RYAN & DOWNES, LLP
ATTORNEYS AT LAW

JAMES J. DOWNES
ROBERT D. RYAN
JOSEPH G. RENDE
FRANK J. CAROLLO
MICHAEL F. GRADY
ANDREW M. NEUBARDT[◇]
CHRISTOPHER J. WHITTON[◇]
PATRICIA LACY[◇]

ROLAND T. KOKE*
KENNETH J. MASTELLONE
JOHN J. SCHREIBER[□]
JOHN POLINSKY

[◇]ALSO ADMITTED IN CONNECTICUT
^{*}ALSO ADMITTED IN MASSACHUSETTS
[□]ALSO ADMITTED IN NEW JERSEY

202 MAMARONECK AVENUE
WHITE PLAINS, NEW YORK 10601
(914) 681-0444
FACSIMILE (914) 681-0875
RRD@RRD-LAW.COM

May 16, 2008

Daniel P. Moynihan
United States Courthouse
500 Pearl Street, Room 630
New York, New York 10007-1312

Attention: Honorable George B. Daniels

Re: Lexington v. Lochinvar Corp.
Docket No.: 07 CV 9737
Date of Loss: 10/26/05
Our File No. T-965-D

Dear Judge Daniels:

This law firm represents the defendant, Lochinvar Corporation in the above referenced action. We are writing the Court to request permission to commence a third-party action against Sepco Erie. Briefly, plaintiff alleges that a coupling was defective causing the water damage which is the focus of this action. Lochinvar is merely a distributor for the coupling which is manufactured by Sepco Erie. As a result, we would like to commence a third-party action for indemnity against Sepco Erie.

Since more than ten days have passed since the Complaint was answered, F.R.C.P. 14 requires a motion and Court permission to file the third-party action. We would respectfully request that the Court grant us permission to commence the third-party action as outlined above.

It is respectfully submitted that there can be no prejudice to plaintiff as the initial pre-trial conference has been adjourned at the plaintiff's request so that it may review documentation and identify possible additional defendants. Plaintiff is still reviewing said documentation. Our Answer was only served on March 10, 2008.

Thank you in advance for your courtesy in this matter. Should you have any questions regarding the above, please feel free to contact me. I would note that this matter is coming up for a conference on May 29th when I will be available to address this matter further as required.

Very truly yours,

/S

Roland T. Koke (RK1068)

RTK/mag

cc: ROBINSON & COLE, LLP
885 Third Avenue, Suite 2800
New York, New York 10022
Attention: Michael B. Golden, Esq.

BRODY, BENARD & BRANCH
205 Lexington Avenue, 4th Floor
New York, New York 10016
Attention: Matthew Rice, Esq.

ABRAMS, GORELICK, FRIEDMAN
& JACOBSON, P.C.
One Battery Park Plaza, 4th Floor
New York, New York 10004
Attention: Chris Christofides, Esq.

FRENCH & RAFTER, LLP
29 Broadway, 27th Floor
New York, New York 10006